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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/767,230	01/29/2004	Sadayuki Ohnishi	NECB 20.919

026304  
KATTEN MUCHIN ZAVIS ROSENMAN  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

CONFIRMATION NO. 2594

**FORMALITIES LETTER**



\*OC000000012950390\*

Date Mailed: 06/15/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by use of digital imaging and optical character recognition. Pages 16-29

are not in compliance with 37 CFR 1.52(a).

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings must be reasonably free from erasures and must be free from alterations, overwriting, interlineations, folds, and copy marks. See Figure(s) 1-10.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$248** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$1148** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$248**
  - **\$86** for 1 independent claims over 3.
  - **\$162** for 9 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

T.TU  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Sadayuki Ohnishi, et al.  
Serial No 10/767,230  
Filed January 29, 2004  
Title CARBON CONTAINING SILICON OXIDE FILM...  
Art Unit 2811  
Confirmation No. 2594



September 2, 2004

Mail Stop MISSING PARTS  
Director of the U.S. Patent and  
Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE FOR NOTICE TO FILE MISSING PARTS**

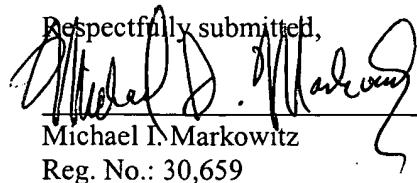
To the Commissioner for Patents:

We have received a Notice to File Missing Parts of Application dated June 15, 2004, a copy of which is attached. In reply thereto enclosed please find the following items:

- ☒ 1. Declaration;
- ☒ 2. Petition for Extension of Time – 1 month
- ☒ 3. Priority Documents: Certified copy of Japanese application nos. 2003-021078 filed January 29, 2003 and 2004-018080 filed January 27, 2004;
- ☒ 4. Substitute Specification, pages 1-27;
- ☒ 5. Replacement Drawings, 12 sheets (Figures 1, 2A-2C, 3-6, 7A-7D, 8, 9A-9D, 10);
- ☒ 6. Return post card;
- ☒ 7. Copy of Notice to File Missing Parts of Application;

Any fee due with this paper may be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,

  
Michael I. Markowitz  
Reg. No.: 30,659

CUSTOMER NO.: 026304  
TELEPHONE: (212) 940-8800  
FAX: (212) 940-8986  
Docket No.: NECB 20.919 (100806-00249)

Filed by Express Mail  
(Receipt No. EL980189188 US)  
on September 2, 2004  
pursuant to 37 C.F.R. 1.10.  
by Genevieve Han



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Sadayuki OHNISHI, et al.

Serial No.: 10/767,230

Filed: January 29, 2004

CARBON CONTAINING SILICON OXIDE FILM HAVING HIGH ASHING...

ART UNIT: 8611

**SUBMISSION OF REPLACEMENT SHEETS FOR FORMAL  
DRAWINGS**

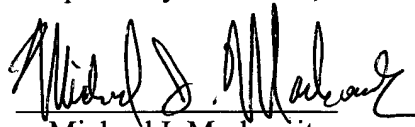
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

SIR:

Enclosed please find the replacement sheets for figures 1, 2A-2C, 3-6, 7A-7D, 8, 9A-9D, and 10 in the above referenced application.

Any fee due with this paper, not fully covered by an enclosed check, may be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,

  
Michael I. Markowitz  
Reg. No. 30,659

Customer Number: 026304  
Telephone: (212) 940-8800  
Fax: (212) 940-8776  
Date: September 2, 2004  
Docket No.: NECB 20.919 (100806-00249)  
Ach: fdraw



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Sadayuki OHNISHI, et al.

Serial No.: 10/767,230

Filed: January 29, 2004

CARBON CONTAINING SILICON OXIDE FILM HAVING HIGH ASHING...

ART UNIT: 8611

**SUBMISSION OF SUBSTITUTE SPECIFICATION**

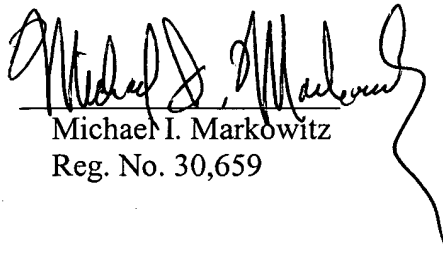
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

SIR:

Please replace the specification of record with the enclosed substitute  
specification, which contains no new matter.

Any fee due with this paper, not fully covered by an enclosed check, may  
be charged to Deposit Acct. No. 50-1290.

Respectfully submitted,

  
Michael I. Markowitz  
Reg. No. 30,659

Customer Number: 026304  
Telephone: (212) 940-8800  
Fax: (212) 940-8776  
Date: September 2, 2004  
Docket No.: NECB 20.919 (100806-00249)